

DEFINITIONS

Sexual orientation: A personal, private matter; an abstract preference for persons of a particular sex, as distinct from a propensity or intent to engage in homosexual acts.

Propensity to engage in homosexual acts: A likelihood that a person engages in or will engage in homosexual acts.

Homosexual: A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in or intends to engage in homosexual acts.

Bisexual: A person who engages in, attempts to engage in, has a propensity to engage in or intends to engage in both homosexual and heterosexual acts.

Homosexual act: Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires. Any bodily contact (for example, handholding, slow dancing, or kissing) that a reasonable person would understand to demonstrate a propensity or intent to engage in such bodily contact.

(continued on page 5)

COMMANDER'S

When enforcing the Army's policy on homosexual conduct, commanders should:

- Determine if credible information exists that a soldier has engaged in a homosexual act or acts and initiate a fact-finding inquiry into a soldier's possible homosexual conduct only if credible information exists that there is a basis for that soldier's discharge.
- Decide whether or not a fact-finding inquiry is appropriate and, if so, conduct the inquiry personally or appoint an inquiry officer.
- Gather all credible information that directly relates to the grounds for possible discharge. Carefully consider the source of the information and the circumstances under which it was provided in assessing its credibility.
- Be able to explain clearly and specifically which grounds for separation they are attempting to verify and how the information being collected relates to those grounds.
- Limit the inquiry to the actual circumstances directly relevant to specific allegations.
- Advise the soldier of the Army's policy on homosexual conduct and rights under Article 31 (b), UCMJ, if applicable.
- Not ask a soldier about his or her sexual orientation (i.e., do not ask, "Are you a homosexual" or bisexual or heterosexual).